

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuki SASAKI et al.

Group Art Unit 1618

Application No.: 10/731,031

Examiner: J. ROGERS

Filed: December 10, 2003

Docket No.: 118048

For: RESIN POWDER FOR COSMETIC AND COSMETIC USING THE SAME

DECLARATION UNDER 37 C.F.R. §1.132

I, Yuki Sasaki, a citizen of Japan, hereby declare and state:

1. I have a bachelor of science degree in chemistry which was conferred upon me by Hiroshima University, Faculty of Science, Department of Chemistry, in Higashi-Hiroshima, Japan in 1994.
2. I have been employed by Fuji Xerox Co., Ltd. since April 1994, and I have had a total of five years of work and research experience in research and development of resin powder.
3. I am a named inventor in the above-captioned patent application. I am familiar with the patent application.
4. I have a professional relationship with the Assignee, Fuji Xerox Co., Ltd., of the above-identified patent application. In the course of that professional relationship, I received compensation directly from Fuji Xerox Co., Ltd. for my work relating to research and development of resin powder.
5. I and/or those under my direct supervision and control have conducted the following tests.

The experiments were conducted to obtain results and evidence illustrating and supporting the patentability of the claimed subject matter of the present application. More specifically, the Comparative Experiments 1 and 2 illustrate that resin powders manufactured according to the teachings of references cited by the Patent Office fail to satisfy the claimed limitations with respect to projected particle dimensions for the resin powders.

Comparative Experiment 1

First comparative resin powders 1-7 (hereinafter "first comparative examples 1-7") were prepared in accordance with Example 1 described in U.S. Patent Application Publication No. 2003/0044370 to Sasaki et al. (hereinafter "Sasaki '370"). First comparative examples 1-7 are in accordance with Examples 1-7 of Sasaki '370 as summarized in Table 2 thereto.

The particle dimension data of first comparative examples 1-7 were obtained and measured in the same manner as particle property data for the Preparation Example 1 in the present application. The results of the particle property data for first comparative examples 1-7 are set forth below in Table 1.

Table 1

	Shape factor SF1	b/a	c/b
Comp Ex. 1	112	1.0	1.0
Comp Ex. 2	112	0.9	1.0
Comp Ex. 3	113	1.0	1.0
Comp Ex. 4	110	1.0	1.0
Comp Ex. 5	113	1.0	1.0
Comp Ex. 6	112	1.0	1.0
Comp Ex. 7	113	1.0	1.0

wherein a is a major axis of each particle;
 b is a minor axis of each particle; and
 c is a thickness of each particle.

As shown in Table 1, first comparative examples 1-7 of Sasaki '370 do not satisfy the requirements of the claimed projected particle dimension limitations, namely the requirements that $0.5 < b/a < 1$ and $0.4 < c/b < 0.8$.

Comparative Experiment 2

Second comparative resin powders 1-8 (hereinafter "second comparative examples 1-8") are in accordance with Manufacture Examples 1-8 described in U.S. Patent No. 6,893,649 to Sasaki et al. (hereinafter "Sasaki '649").

The particle dimension data of second comparative examples 1-8 were obtained and measured in the same manner as particle property data for the Preparation Example 1 in the present application. The results of the particle property data for second comparative examples 1-8 are set forth below in Table 2.

Table 2

	Shape factor SF1	b/a	c/b
Comp Ex. 1	117	1.0	1.0
Comp Ex. 2	126	1.0	1.0
Comp Ex. 3	130	1.0	0.9
Comp Ex. 4	112	1.0	1.0
Comp Ex. 5	142	0.9	1.1
Comp Ex. 6	141	0.8	0.9
Comp Ex. 7	125	1.0	0.9
Comp Ex. 8	143	0.8	1.0

wherein a is a major axis of each particle;

b is a minor axis of each particle; and

c is a thickness of each particle.

As shown in Table 2, second comparative examples 1-8 of Sasaki '649 do not satisfy the requirements of the claimed projected particle dimension limitations, namely the requirements that $0.5 < b/a < 1$ and $0.4 < c/b < 0.8$.

6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 07/03/07

Yuki Sasaki

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